REGULATION No. VIII OF 1901.

(PASSED ON THE 3RD DAY OF NOVEMBER 1901.)

A Regulation to amend the Indian Evidence Act, 1872, as it is in force in Mysore.

Whereas it is expedient to amend the Indian Evidence Act, 1872, as it is in force in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:— Preamble.

1. (1) For the "*Explanation*" to section 14 of the Indian Evidence Act, 1872, as amended by Act XVIII of 1872, and Regulations, III of 1899 and X of 1900, the following shall be substituted, namely:— Amendment of section 14, Act I, 1872.

"*Explanation* 1.—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

"*Explanation* 2.—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact."

(2) For "*Illustration* (*b*)" to the same section the following shall be substituted, namely:—

"(*b*) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

"The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

"The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant."

2. In section 15 of the said Act, after the word "intentional" there shall be inserted the words "or done with a particular knowledge or intention." Amendment of section 15 Act I, 1872.

3. To section 26 of the said Act, the following shall be added, namely:— Addition to section 26, Act, I, 1872.

"*Explanation.*—In this section 'Magistrate' does not include the head of a village discharging magisterial functions, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure."

Section 15.

Addition to section 30, Act I, 1872

4. In section 30 of the said Act, immediately before the '*Illustrations*,' the following shall be inserted, namely:—

"*Explanation.*—'Offence' as used in this section includes the abetment of, or attempt to commit, the offence."

Addition to section 43, Act I, 1872.

5. To section 43 of the said Act, the following *Illustrations* shall be added, namely:—

"(*e*) A is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

"(*f*) A is tried for the murder of B. The fact that B prosecuted A for libel and that A was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

Substitution of new section for section 54, Act I, 1872.

6. For section 54 of the said Act, the following shall be substituted, namely:—

"Previous bad character not relevant except in reply."

"54. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

"*Explanation* 1.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

"*Explanation* 2.—A previous conviction is relevant as evidence of bad character."

Amendment of *Explanation* to section 55, Act I, 1872.

7. In the "*Explanation*" to section 55 of the said Act, after the word "but" there shall be inserted the words and figures "except as provided in section 54."

Substitution of new section for section 125, Act I, 1872.

8. The following section shall be substituted for section 125 of the said Act, namely:—

"Information as to commission of offences."

"125. No Magistrate or Police Officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue Officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

"*Explanation.*—'Revenue Officer' in this section means any officer employed in or about the business of any branch of the public revenue."